

CHAPTER 32.

JAMES M. BERRY'S ACTS.

AN ACT to legalize certain acts of James M. Berry, late County Judge of Linn County, Iowa, and of certain other persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa.* That the acts of James M. Berry, late County Judge of Linn county, Iowa, in relation to the granting of a license to build a toll bridge across the Cedar River at Cedar Rapids, in said county, to H. G. Angle, had on the fifth day of February, A. D., 1855, and also on the 24th day of June, A. D., 1856, and on the 15th day of April, 1857, be and the same are hereby declared legal, except as hereinafter provided.

J. M. Berry's licenses to H. G. Angle legalized.

SEC. 2. The action of the said H. G. Angle, in assigning the license granted as aforesaid to the Cedar Rapids Bridge Company, is hereby declared legal, and the said Bridge Company is hereby vested with all the powers and privileges granted by the said license to the said Angle, except as herein modified.

Angle's assignment of license legalized.

SEC. 3. The said Company is hereby authorized to keep and maintain a toll bridge across the Cedar River at Cedar Rapids, in said county, extending from Iowa Avenue in Cedar Rapids, to Iowa Avenue in Kingston, in accordance with the provisions of the said license, and for the length of time therein stated; *Provided*, That the said Company shall within six months commence, and within three years from the passage of this act, complete the erection of a permanent bridge across the said river at the points above specified.

Comp'ny authorized to build a bridge.

When built.

SEC. 4. So much of the provisions of the said license as stipulates that no other toll bridge or ferry shall be permitted across said river within a distance of two miles of such bridge for a period of ten years, is hereby declared void, so far as it prohibits, and no farther, the erection of a bridge across the said river extending from Daniel's street, in the city of Cedar Rapids, to the west side of said river.

Portion of license declared void.

SEC. 5. Upon the petition of fifty legal voters of Linn

county for that purpose, it shall be the duty of the County Judge of said county to notify the said Bridge Company to appoint an appraiser, who, together with an appraiser appointed by said County Judge, and a third appraiser to be selected by the said appraisers, as appointed by the said Bridge Company and County Judge, shall make a true estimate of the actual value of said bridge; the same notice shall fix the day when said appraisement shall be made, which day shall not be more than sixty days after the filing of said petition, nor more than thirty days from the said notification to said Bridge Company. The said appraisers shall take an oath before said County Judge or some justice of the Peace, to faithfully and impartially estimate the actual and true value of said bridge, and to make report thereof within ten days to the said County Judge, and if at any time within six months after the filing of said report of said appraisers, the sum fixed as the true and actual value of said bridge, shall be deposited with the said County Judge, subject to the order of said Bridge Company, the said County Judge shall forthwith make proclamation that said bridge is and shall forever remain free of all toll, and revert to and become the property of said Linn county. *Provided, nevertheless,* that from and after the first day of January, A. D., 1870, all the privileges hereby confirmed, or in the license aforesaid granted, shall forever cease and determine; and the said bridge shall thenceforth be and remain a free bridge, and public highway, anything herein, or in the license aforesaid contained, to the contrary notwithstanding.

Appraisers to value bridge.

Time of appraisement.

Appraisers qualified and report

Purchase of bridge.

Bridge free after 1870.

Compensation of Appraisers.

SEC. 6. The appraisers shall be paid the sum of three dollars per day and mileage at the rate of five cents per mile, as compensation while making said appraisement, the same to be paid by the petitioners, and the County Judge may require the deposit of such reasonable sum as he may deem necessary to defray the expenses of said appraisement before ordering the same to be made.

SEC. 7. This act to take effect and be in force from and after its publication in the Cedar Rapids Democrat

Take effect.

and Cedar Valley Times, without expense to the State.
Approved March 4th, 1858,

I hereby certify that the foregoing Act was published in the Cedar Valley Times on the 11th day of March, 1858.

ELIJAH BELLS,
Secretary of State.

CHAPTER 33.

DOWER.

AN ACT to give greater security to purchasers and mortgagees of real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in every conveyance of real estate the joining of the wife with her husband shall be deemed sufficient to pass any and all right which the said wife had or has in said property in said conveyance, either in her own right independent of the husband, or as his wife, unless the contrary appears on the face of the conveyance.

SEC. 2. That any deed, mortgage or other instrument of writing, heretofore executed in pursuance of law, by husband and wife, for the purpose of conveying or incumbering the estate of the wife, or her right of dower in any lands, tenements or hereditaments situated in this State, shall be received in evidence in any of the courts of this State as conveying or incumbering the estate or interest of the wife, or as releasing her right of dower, as the case may be, although the magistrate taking the acknowledgment of such deed shall not have certified that the grantors or wife were personally known, or that he read or made known the contents of such deed, mortgage or other instrument of writing to such wife, or that she relinquished her right of dower, before or at the time she acknowledged the execution thereof.

This Act having remained with the Governor three days, (Sunday excepted) the General Assembly being in session, has become a law this 8th day of March, A. D. 1858.

ELIJAH BELLS,
Secretary of State.